

HOME RULE FOR ST. LOUIS

Three bills prepared by The Business Men's League of St. Louis for the government of the Police, Elections and Excise Departments of the city, to be submitted to the Legislature of Missouri.

THESE BILLS HAVE BEEN WRITTEN BY MR. CHARLES W. BATES, FORMERLY CITY COUNSELOR OF ST. LOUIS, AND ATTACHED IS A DIGEST OF THEIR CONTENTS, PREPARED BY HIM.

HOME RULE FOR ST. LOUIS

THE HOME RULE BILL
PASSED BY THE
CITY COUNCIL OF ST. LOUIS
ON MAY 15, 1892
AND
APPROVED BY THE
GOVERNOR OF MISSOURI
ON MAY 16, 1892

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DIGEST OF THE BILLS

The three Home Rule bills prepared by the Business Men's League transfer from the control of the governor to the control of the city, through its mayor, the police department of the city of St. Louis, the election board of the city of St. Louis, and the excise commissioner, who has the sole authority to issue dramshop licenses in the city of St. Louis and to revoke such licenses for violations of the dramshop laws (without conviction in the courts).

No changes are made in the legislation of the state governing these offices, other than the transfer of the appointing and removing power, and in the tenure and salary of the officers filling those places, and in reducing the police board to one member instead of five, and the election board to two instead of four members.

No change is made in the substantive law governing the police powers, functions, duties and responsibilities; or the powers, duties and the responsibilities of the election officers; or the powers, duties and responsibilities of the excise commissioner.

The statutes of the state now provide for removal of such officers by proceedings in court. No change is made in these statutes.

The qualifications for holding these respective offices are not materially changed, the specific requirement being made in the bills that each shall be a citizen and resident of the city of St. Louis prior to appointment.

Under the laws as they now exist, neither the police commissioners nor the election commissioners are eligible to public office or place during the term for which they were appointed police commissioner or election commissioner, as the case may be. This provision is preserved in the bill.

Taking up the three bills separately, the exact changes along the lines above indicated, are as follows:

(a) THE POLICE.

At present the police department of the city of St. Louis is under the administrative control of a board of five members, four of whom are appointed by the governor, the mayor of the city being ex-officio a member of that board.

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DIGEST OF THE BILLS

THE OFFICE

It is now provided in the state statutes that one of the members of the board shall be president and one shall be treasurer, and in pursuance of the plan of organization adopted by the board, it also appoints one of its members purchasing agent. The salary of each of the members, other than the mayor, is one thousand dollars per annum.

Under the bill relating to this matter, the office of police commissioner is created and this office is to be filled by one man appointed by the mayor, whose term of office is co-extensive with that of the mayor appointing him, and who is to receive a salary of ten thousand dollars per annum. This plan necessitates this commissioner performing the duties not only of the board, as it now exists, but of the officers of that board as their functions are divided up under the present arrangement.

Under the present law, the governor may remove the police commissioners, other than the mayor, who is ex-officio a member.

Under the proposed law the police commissioner is removable at pleasure by the mayor and for cause by the city council, as other city officials may be removed by the council, upon a hearing and a trial, with charges preferred.

Under either plan, as stated above, the official may be removed by proceedings in court.

The statutes of the state as they now exist (and no change is made therein by the bill) provide for the organization of the police force, making the chief of police the executive head of the department.

Under the present law, as well as under the bill, the city pays the salary and all expenses of the department.

(b) ELECTIONS.

Under the present law the board of election commissioners of the city of St. Louis has charge of registration and elections in the city. No change in the functions, powers, duties or responsibilities of the board is made by the bill.

Under the present law the board is a bipartisan board. No change in this regard is made by the bill.

Under the present law the board consists of four members. By the bill the board will consist of two members.

Under the present law all of the commissioners are appointed by the governor. Under the bill they will be appointed by the mayor of the city.

Under the present law two of the four members appointed by the governor shall be members of the leading political party opposed to that to which the governor belongs, and it is provided that the governor shall choose two of the commissioners from six eligible citizens named by the state committee of the political party opposed to that to which the governor belongs, and the other two he shall choose from six eligible citizens named in the same manner by the political party to which the governor belongs.

Under the bill one of the commissioners shall belong to the leading political party opposed to that to which the mayor belongs, and both of them shall not belong to the same political party, but the mayor is not required to appoint from selections made by political committees of either party.

The requirements as to citizenship and residence of the commissioners are the same under the bill as under the present law.

Under the present law each of the four commissioners gets a salary of three thousand dollars per annum; whereas, under the bill each of the two commissioners will get a salary of five thousand dollars per annum.

Under the present law, as well as under the bill, the city pays the salaries and all expenses of the office.

Under the present law the governor designates which member shall be chairman and which shall be secretary, and it is provided that they shall not belong to the same political party. Under the bill, the mayor, in appointing the commissioners, shall designate which one shall be chairman and which one shall be secretary of the board, and of course, since the two can not belong to the same political party, the chairman and the secretary will not belong to the same political party.

Under the present law, the term of office of the first appointees expires on January 15, 1913, and thereafter the commissioner's term of office is fixed at four years each. Under the bill, the terms of office are fixed as co-extensive with that of the mayor appointing them.

As stated, no change is made in the provisions regulating registration, qualifications of voters or elections.

(c) **DRAMSHOPS**

Under the present law the excise commissioner for the city of St. Louis, who has sole authority to grant dramshop licenses or to revoke the same in the absence of conviction in courts for violations of laws relating to dramshops, is appointed by the governor, receives a salary of five thousand dollars per annum, and the expenses of his office, not exceeding four thousand dollars per annum.

Under the bill the excise commissioner will receive a salary of five thousand dollars per annum, and the expenses of the office will be paid, no maximum being fixed for expenses.

Under the law as it now exists, the state pays the salary and office expenses but receives the fees for the services rendered by the excise commissioner's office on behalf of applicants for dramshop licenses. Under the bill the city will pay the salary and expenses of the office and receive such fees.

These fees are a separate and distinct matter from the taxes levied by the state and by the city upon dramshop keepers. No change is made in the amount of such fees nor in the amount of the taxes, and no change is made with respect to the collection of the taxes, they being now collected by the collector of revenue and will be so collected under the bill.

Under the law as it now stands, the governor appoints the excise commissioner, who then holds his office during the pleasure of the governor. Under the bill the mayor of the city will appoint the excise commissioner for a term of office expiring with that of the mayor so appointing.

Under the law as it now exists, the excise commissioner, holding at the pleasure of the governor, of course may be removed by the governor. Under the bill the excise commissioner can be removed by the mayor at pleasure, by the city council upon charges, upon trial, and of course by the courts under the general laws of the state.

THE ELECTIONS BILL

AN ACT TO REPEAL SECTIONS 6190 (AS AMENDED BY ACT APPROVED MARCH 27TH, 1911), AND 6235 OF ARTICLE FIFTEEN, OF CHAPTER FORTY-THREE, OF THE REVISED STATUTES OF MISSOURI OF 1909, ENTITLED "REGISTRATION AND ELECTIONS IN CITIES HAVING THREE HUNDRED THOUSAND INHABITANTS, OR OVER," AND TO ENACT NEW SECTIONS IN LIEU THEREOF, TO BE KNOWN AND DESIGNATED AS SECTIONS 6190 AND 6235.

Be it enacted by the General Assembly of the State of Missouri as follows :

SECTION 1. Sections 6190 (as amended by act approved March 27th, 1911, entitled "An act to repeal Section 6190 of the Revised Statutes of Missouri of 1909, and enact a new section in lieu thereof, to be known as Section 6190, relating to the creation of a board of election commissioners, the appointment, salary, oaths, bonds, powers, qualifications, etc., of its members"), and 6235 of Article 15 of Chapter 43 of the Revised Statutes of Missouri of 1909, are hereby repealed and new sections enacted in lieu thereof, to be known and designated as Sections 6190 and 6235, said new sections to read as follows:

Section 6190. There is hereby created a board of election commissioners for each city governed by the provisions of this article, composed of two members. The mayor of each city governed by the provisions of this article shall appoint said commissioners for a term of office expiring with the official term of the mayor making the appointment, and until their successors are duly appointed and qualified. All vacancies shall be filled by the appointment of the mayor for the remainder of the unexpired term. They, or either of them, may be removed from office by the mayor at pleasure, by the council of such city for cause, and by the courts as provided by law, but not otherwise.

THE ELECTIONS BILL

AN ACT TO REGULATE ELECTIONS AND TO AMEND THE
PROVISIONS OF THE ACTS RELATIVE TO THE
ELECTIONS OF MEMBERS OF THE HOUSE OF
COMMONS AND OF THE SENATE AND OF THE
COUNCIL OF THE PROVINCE OF ONTARIO
IN RESPECT OF THE ELECTIONS OF MEMBERS
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PROVINCE OF ONTARIO

ENACTED BY THE SENATE AND HOUSE OF COMMONS OF CANADA:

SECTION 1. The Governor in Council may, after consulting the
Attorney General, make regulations for the purpose of giving effect to the
provisions of this Act, and may from time to time amend or repeal any
regulations made under this section. The regulations made under this
section shall be subject to the approval of the Senate and the House of
Commons. The regulations made under this section shall be subject to the
approval of the Senate and the House of Commons.

SECTION 2. The Governor in Council may, after consulting the
Attorney General, make regulations for the purpose of giving effect to the
provisions of this Act, and may from time to time amend or repeal any
regulations made under this section. The regulations made under this
section shall be subject to the approval of the Senate and the House of
Commons. The regulations made under this section shall be subject to the
approval of the Senate and the House of Commons.

19 Each of said commissioners shall, at the time of his appointment, have
20 been a citizen, resident and legal voter of such city for at least five years next
21 immediately preceding his appointment, and shall continue to be such citizen
22 and resident while holding said office, and shall be ineligible to any public
23 office or place or nomination therefor during the term of office for which
24 he shall be appointed. One of said commissioners shall be the president and
25 the other the secretary of said board, and in making his appointments the
26 mayor shall designate the official position in said board to be occupied by the
27 appointee. One of the commissioners so appointed shall be a member of the
28 leading political party opposed to that to which the mayor belongs. This
29 rule shall be observed in the appointment of successors to fill vacancies, as
30 well as for new terms. In no event shall both said commissioners belong to
31 or be affiliated with the same political party.

32 Each commissioner shall, before entering upon the duties of his office, take
33 and subscribe an oath or affirmation to support the constitution of the
34 United States and of this state and to demean himself faithfully and impar-
35 tially in office, and shall give bond to the city in the sum of ten thousand
36 dollars, with securities to be approved by the mayor, conditioned for the
37 faithful and honest performance of the duties of his said office and the care
38 and preservation of the property thereof; said oath of office and bond shall
39 be filed in the office of the register or clerk of such city.

40 Said election commissioners shall devote their whole time to the performance
41 of their official duties; they shall make all necessary rules and regulations not
42 inconsistent with law with reference to the registration of voters and conduct
43 of elections; and shall have charge of and make provisions for all elections,
44 general, special, local, municipal, state and county, and all others of every
45 description to be held in such city or in any part thereof at any time.

46 SECTION 6235. In all cities not within counties, such election commis-
47 sioners, judges and clerks of election and registration, and clerks and
48 assistants employed by the board of election commissioners, shall be paid by
49 the city. The members of said board of election commissioners shall each
50 receive a salary of five thousand dollars (\$5,000.00) a year, payable monthly.

51 The assistants and clerks employed by the election commissioners shall each
52 receive a salary of four dollars (\$4.00) per day for the time actually employed,
53 payable monthly. All office and other expenses incurred by said board of
54 election commissioners, and all costs and expenses of registration and election
55 in such cities, shall be paid out of the city treasury. All printing, binding,
56 books, stationery, etc., shall be paid for in the same manner and contracted
57 for by the board of election commissioners.

15 The Commission and the State Board of Health shall have
16 the right to make a study of the health of the State and to
17 make recommendations to the State Board of Health and to
18 the State Board of Education. The Commission shall also
19 have the right to make a study of the health of the State
20 and to make recommendations to the State Board of Health
21 and to the State Board of Education. The Commission shall
22 also have the right to make a study of the health of the State
23 and to make recommendations to the State Board of Health
24 and to the State Board of Education. The Commission shall
25 also have the right to make a study of the health of the State
26 and to make recommendations to the State Board of Health
27 and to the State Board of Education.

THE POLICE BILL

AN ACT TO PROVIDE FOR THE APPOINTMENT, TENURE, COMPENSATION AND DUTIES OF A POLICE COMMISSIONER IN CITIES NOW HAVING OR THAT MAY HEREAFTER HAVE THREE HUNDRED THOUSAND INHABITANTS AND OVER; TO PROVIDE AGAINST SUCH COMMISSIONER ACCEPTING OFFICE OR NOMINATION THEREFOR DURING THE PERIOD FOR WHICH HE WAS APPOINTED; TO TRANSFER TO HIM THE POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND FUNCTIONS HERETOFORE VESTED IN THE BOARDS OF POLICE COMMISSIONERS AND IN THE MEMBERS THEREOF IN SUCH CITIES; AND TO PROVIDE FOR THE ABOLISHMENT OF SUCH BOARDS; AND TO REPEAL INCONSISTENT LEGISLATION.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. In all cities of this State that now have or may hereafter attain
2 a population of three hundred thousand inhabitants or over, there shall be,
3 and is hereby established, within and for said cities, the office of police
4 commissioner. The mayor of each such city shall appoint the police com-
5 missioner thereof. Such commissioner shall, at the time of his appointment,
6 have been a citizen and resident of such city for at least four years
7 next immediately preceding his appointment and shall continue to be such
8 citizen and resident while holding said office. He shall be appointed for a
9 term expiring with the then official term of the mayor making the appoint-
10 ment, and until his successor shall be duly appointed and qualified. All
11 vacancies shall be filled by the appointment of the mayor to the unexpired term.

12 Such commissioner shall be removable from office by the mayor at pleas-
13 ure, by the council of such city for cause, or by the courts as provided by
14 law, and not otherwise.

THE POLICE BILL

15 Before entering upon the duties of his office he shall take and subscribe
16 the official oath or affirmation now provided by law to be taken by the
17 members of the boards of police commissioners in such cities, and shall
18 execute and deliver to such city a penal bond in the sum of twenty thousand
19 dollars (\$20,000.00), with sufficient sureties, to be approved by the mayor,
20 conditioned for the faithful discharge of his duties as police commissioner
21 and for the faithful accounting, payment and delivery to the proper parties
22 of all moneys, property and papers which may come into his hands or be
23 under his charge by virtue of his office; which oath and bond shall be filed
24 with the register or clerk of such city. He shall devote all of his time to the
25 duties of his office, and shall receive a salary of ten thousand dollars
26 (\$10,000.00), payable monthly.

SECTION 2. Such police commissioner shall perform all the duties, exercise
2 all the functions and possess all the powers now vested in or imposed by law
3 upon boards of police commissioners or any member thereof, in cities to
4 which this act shall be applicable.

SECTION 3. Upon the appointment and qualification of such police com-
2 missioner, all duties, powers, privileges, immunities and functions now
3 vested by law in boards of police commissioners and any member thereof,
4 and in the president and treasurer thereof, in such cities, shall cease and
5 determine, and such boards and officers shall thenceforth be and stand
6 abolished; and all provisions of law applicable to said boards or any member
7 thereof, not inconsistent herewith, shall, so far as practicable, be applicable
8 to the commissioner herein provided for.

SECTION 4. No police commissioner shall be eligible to any public office
2 or place whatsoever during the whole period for which he was appointed,
3 nor shall he be eligible for the nomination for any public office or place
4 during such period.

SECTION 5. All provisions of law, inconsistent herewith, are hereby
2 repealed.

THE DRAMSHOP BILL

AN ACT TO REPEAL SECTIONS 7230 AND 7237 OF ARTICLE TWO,
OF CHAPTER SIXTY-THREE, OF THE REVISED STATUTES OF
MISSOURI OF 1909, ENTITLED "EXCISE COMMISSIONER,"
AND TO ENACT NEW SECTIONS IN LIEU THEREOF.

Be it enacted by the General Assembly of the State of Missouri, as follows :

SECTION 1. Sections 7230 and 7237 of Article 2 of Chapter 63 of the
2 Revised Statutes of Missouri of 1909 are hereby repealed and the following
3 new sections in lieu thereof are hereby enacted to be designated Sections
4 7230 and 7237.

5 SECTION 7230. In all cities in this State which now have or may hereafter
6 have a population of three hundred thousand inhabitants or more, there is
7 hereby created the office of Excise Commissioner, who shall have exclusive
8 authority to grant dramshop licenses.

9 Every excise commissioner, before entering upon the duties of his office,
10 shall take and subscribe an oath or affirmation that he possesses the
11 qualifications for such office prescribed by law, that he will support the
12 Constitution of the United States and of the State of Missouri; that he
13 will demean himself faithfully in office, and shall execute and deliver to the
14 city wherein he is appointed, a penal bond, with sureties approved by the
15 Mayor, in the sum of ten thousand dollars (\$10,000), conditional that he
16 will faithfully perform all the duties of his office, and account for, pay and
17 deliver to the proper parties all money and property coming to his hands by
18 virtue of his office, which bond and oath he shall file with the city register
19 or clerk.

20 The excise commissioner must have been a bona fide citizen and resident
21 of the city wherein appointed for at least two years next previous to his
22 appointment, and must so continue during the time of holding such office;
23 he shall be appointed by the mayor of such city for a term expiring with
24 the then official term of the mayor appointing him, and until his successor
25 shall be duly appointed and qualified; he shall devote his entire time during

26 business hours to the duties of his office; he may be removed from office by
27 the mayor at his pleasure, and by the council for cause, and by the courts
28 as provided by law, and not otherwise; he shall receive a salary of five
29 thousand dollars (\$5,000) per annum, payable monthly by such city in such
30 manner as such city pays the salaries of its other officials; and the expenses
31 of his office shall be paid by such city in such manner as expenses of other
32 offices in such city are paid.

33 Every excise commissioner, including those now in office, shall deliver to
34 his successor, on demand, all property pertaining to the office.

35 SECTION 7237. The person to whom a dramshop license shall be issued
36 shall pay the excise commissioner a fee of three dollars for each state license
37 and a fee of three dollars for each city license, for granting and issuing the
38 same, and said excise commissioner shall charge, collect and receive a further
39 sum of three dollars for taking acknowledgments of each petition filed,
40 acknowledgment to bond, filing petition and bond, administering oaths, and
41 all other acts of said commissioner of like character necessary to perfecting
42 the petitions and papers before the license is issued, and the said excise
43 commissioner shall perform all these services and acts, and for that purpose
44 the said excise commissioner is hereby granted and given the power to
45 administer oaths, to take acknowledgments to all papers and instruments filed
46 in his office and to possess the same powers for that purpose as are now given
47 by the statute law of the State of Missouri to justices of the peace. All fees
48 and charges so collected shall be paid over to the treasurer of the city wherein
49 he is appointed, to be placed to the credit of the general revenue fund of
50 such city. Said excise commissioner shall take a receipt therefor from the
51 treasurer; the original he shall file with the city auditor, and the duplicate
52 thereof he shall file in his own office as a part of the record thereof. The
53 said excise commissioner shall make said payments to the city treasurer on
54 the first Monday of each and every month, and shall at the time of making
55 said payments to the treasurer file with the city auditor a full, complete
56 and sworn statement of all of the fees collected by him as herein directed,
57 during the preceding month and since his last statement, and also stating
58 the total number of state and city licenses issued and granted, the name
59 of the person to whom issued, date when issued, date of expiration and
60 amount of ad valorem tax paid on each.

